

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Christa C. Turner

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

STUART PERLEN REVOCABLE TRUST DTD
1/4/08; STUART PERLEN in his capacity as
Grantor and Trustee for the Stuart Perlen
Revocable Trust and individually; and MYRA
PERLEN, in her capacity as Trustee of the Stuart

Adv. Pro. No.10-05331 (SMB)

Perlen Revocable Trust and individually, Defendants.

STIPULATION REGARDING DISMISSAL OF CERTAIN CLAIMS

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants STUART PERLEN REVOCABLE TRUST DTD 1/4/08; STUART PERLEN in his capacity as Grantor and Trustee for the Stuart Perlen Revocable Trust and individually; and MYRA PERLEN, in her capacity as Trustee of the Stuart Perlen Revocable Trust and individually (individually and collectively, the “Defendants”), by and through their counsel, Golenbock Eiseman Assor Bell & Peskoe LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 8, 2010, the Trustee filed the Complaint against the Defendants.
2. Defendants have yet to respond to the Trustee’s Complaint.
3. On June 22, 2015, the United States Supreme Court denied the Trustee’s writ of certiorari regarding 11 U.S.C. § 546(e).
4. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as incorporated by Rule 7041 of the Federal Rules of Bankruptcy Procedure, the Trustee’s claims in Counts One and Three through Seven of the Complaint are hereby dismissed with prejudice against Defendants in the above-captioned adversary proceeding. This Stipulation has no effect on the Trustee’s remaining Counts in the Complaint.
5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 16, 2015

BAKER & HOSTETLER LLP

By: /s/Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Christa C. Turner
Email: cturner@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**GOLENBOCK EISEMAN
ASSOR BELL & PESKOE LLP**

By: /s/ Jonathan L. Flaxer
437 Madison Avenue
New York, New York 10222
Telephone: 212.907.7300
Facsimile: 212.754.0777
Jonathan L. Flaxer
Email: jflaxer@golenbock.com
Michael S. Weinstein
Email: mweinstein@golenbock.com

*Attorneys for Defendants Myra Perlen Revocable
Trust; Myra Perlen, individually and in her
capacity as Trustee of the Myra Perlen Revocable
Trust; and Stuart Perlen, in his capacity as Trustee
of the Myra Perlen Revocable Trust and
individually*